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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,819	04/24/2001	Hendrik J. Bergveld	PHN 16,698A	5322

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, SIMON

ART UNIT PAPER NUMBER

2685

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/840,819	<b>Applicant(s)</b> BERGVELD ET AL.	
	<b>Examiner</b> SIMON D. NGUYEN	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 12-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawano et al. (5,774,797).

Regarding claims 16 and 20, Kawano discloses a communication device (portable telephone)(abstract, fig.3), comprising: an amplifier (132) which outputs a signal having a frequency value (column 7 lines 6-30) wherein a power of the communication device is varied in dependence of the frequency value by controlling a DC/DC converter, wherein the control input value of which is exclusively controlled in

dependence of the frequency value to vary an electrical supply of the amplifier (figs.3, 7, columns 8 lines 1-4, column 9 lines 1-20, column 11 lines 5-27).

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 16, where the communication system comprising a base station (column 8 line 2).

Regarding claims 13, 17, and 21, Kawano further discloses a memory for storing a power control data (#3 fig.1, column 5 lines 58-61).

Regarding claims 14, 18, and 22, Kawano further discloses a comparator for comparing a level of the signal with a desired signal level (column 9 lines 1-8).

Regarding claims 15, 19, and 23, Kawano further discloses the desired signal level provided by a base station (column 8 lines 1-2).

### ***Response to Arguments***

3. Applicant's arguments filed 12/01/05 have been fully considered but they are not persuasive. In Remarks, the applicant stated that Kawano fails to disclose the power of the PA is varied in dependence of the frequency value by controlling a DC/DC converter. Firstly, The examiner carefully review the limitation, and disagrees with the applicant because Kawano discloses a transmitter of a communication device, wherein the transmitter includes a power amplifier, a voltage supply, a transmission power control circuit, a power setting table, a power selector, temperature monitor (fig. 2-3), wherein the transmission power at the PA will change in dependence upon the transmission signal at different level of temperature (see figs. 16-18), (for example, at 60 degree, the transmission power of the PA is 27 dBm, and at room temperature, the

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transmission power of the PA changes to 28 dBm), wherein Kawano further discloses a DC/DC converter used for varying the power of the power amplifier in dependence of the frequency value (fig. 7, abstract, column 11 lines 5-27, column 156 lines 52 to column 16 line 39).

Secondly, the examiner invites the applicant to take a look at the invention issued to Hirschfield (considered pertinent in the previous Office Action), in which Hirschfield also teaches a DC/DC converter for varying the power of a PA according to the frequency value (column 5 lines 5-27).

Thirdly, independent claims 16, and 20 are almost identical, wherein claims 16 and 20 claim a DC/DC converter for varying the transmission power of the PA. Therefore, these two claims are grouped together. Claim 12 is separated for examining in which the examiner points out a BS, wherein the BS communicates with the MS.

In conclusion, the examiner believes that the rejection of claims 12-23 is fair, therefore, the rejection stands.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Knox building,  
501 Dulany, Alexandria, VA.

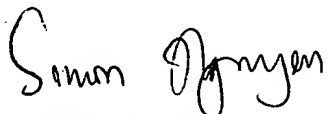
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Simon Nguyen

February 17, 2006

A handwritten signature in black ink that reads "Simon Nguyen". The signature is written in a cursive style with a large, stylized "S" and "N".

**SIMON NGUYEN**  
**PRIMARY EXAMINER**